THE HON'BLE Ms. JUSTICE G. ROHINI

W.P.No.11316 OF 2005

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ORDER:

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Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home, appearing for the respondents, and perused the material on record.

The petitioner seeks a declaration that the alleged action of the 2nd respondent-Station House Officer, Kothapatnam Police Station, Kothapatnam, Prakasam District, in refusing to receive the complaint said to have been given by the petitioner on 20.5.2005, as arbitrary and illegal.

Complaining about the highhanded action of some third parties, the petitioner made a complaint on 20.5.2005 before the 2nd respondent-Station House Officer, Kothapatnam. However, the 2nd respondent refused to receive the said complaint, and therefore, the same was sent by Speed Post. The petitioner states that the same was returned with an endorsement “refused”. Hence this Writ Petition.

It is no doubt true, in such circumstances, it is always open to the petitioner to make a complaint before the concerned Magistrate having jurisdiction. However, having regard to the specific case of the petitioner that the complaint sent by him was returned with an endorsement “refused”, a copy of which has been placed before this Court, I deem it appropriate to dispose of the Writ Petition with a direction to the 2nd respondent-Station House Officer, Kothapatnam Police Station, to receive the complaint of the petitioner, a copy of which is made available at page 11 of the material papers filed along with the Writ Petition, and take appropriate action in accordance with law. No costs.

21st October, 2005.

Kgr

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIRST DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No.11316 of 2005

Between:

Gaddam Rayavelu, w/o Krishnaiah,
R/o Ethamukkala Village,

Kothapatnam Mandal, Prakasham District.

..... PETITIONER

AND

1 The Superintendent of police, Prakasam District at Ongole.
2 The Station House Officer, Kothapatnam Police Station, Kothapatnam,

Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a writ of mandamus or any other appropriate writ or direction declaring the action of the 2nd respondent in refusing to receive the complaint filed by the petitioner dated 10-5-2005 as illegal, arbitrary and consequently direct the respondents to register the complaint and pass such other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: Mrs.K.LALITHA

Counsel for the Respondent No.: GP FOR HOME